

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 82-38

ORDER EXTENDING TIME SCHEDULE ORDER NO. 81-12 DIRECTING CITY OF SUNNYVALE TO COMPLY WITH REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION, IN ORDER NO 82-37 (NPDES PERMIT NO. CA003 7621)

The California Regional Water Quality Control Board (hereinafter Board), San Francisco Bay Region, finds that:

1. On February 18, 1981 the Board adopted Order No. 81-12, an Enforcement Order For Issuance of a Time Schedule directing the City of Sunnyvale (hereinafter discharger) to comply with the Basin Plan prohibitions for:
 - a. 10:1 initial dilution
 - b. discharge to dead-end sloughs or confined waterways;
 - c. discharge to San Francisco Bay south of Dumbarton Bridge;
- These prohibitions have not been met.
2. Order No. 81-12 was based on waste discharge requirements prescribed in Order No. 77-94 (NPDES PERMIT NO. CA0037621) which expires on July 1, 1982.
3. Discharger is in compliance with the Time Schedule Order and the terms in the NPDES permit.
4. Discharger has made a request for Board's continuance of the Prohibition deferral contained in Order No. 81-12.
5. On June 16, 1982, the Board adopted Order No. 82-37 reissuing waste discharge requirements for the City of Sunnyvale. Order No. 82-37 replaces Order No. 77-94.
6. The Board has notified the discharger and interested agencies and persons of its intent to prescribe revised requirements for the discharger.
7. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.
8. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED, that Order No. 81-12 is amended to read as follows:

1. The Title in Order No. 81-12 should read as follows:

Order directing City of Sunnyvale to comply with requirements prescribed by the California Regional Water Quality Control Board , San Francisco Bay Region, in Order No. 82- 37 (NPDES PERMIT NO. CA0037621)

2. Finding No. 1 in Order No. 81-12 should include an additional sentence which reads as follows:

... Order No. 77-94 was superseded by Order No. 82- 37 adopted by the Board on June 16, 1982.

3. Order No. 77-94 which prescribed waste discharge requirements for the discharge and was the basis for Time Schedule Order No. 81-12 is amended to refer to as Order No. 82-37 in place of Order No. 77-94.

4. The expiration date of July 1, 1982 in Order No. 81-12 is amended to June 20, 1987.

5. The action taken by this Board pertaining to the time schedule does not preclude the possibility of actions to enforce the permit by third parties pursuant to Section 505 of the Federal Water Pollution Control Act.

I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on June 16, 1982.

FRED H. DIERKER
Executive Officer